

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

CHAD WILLIAM REED,

Plaintiff,

V.

SCOTT CROW, et al.,

Defendants.

No. CIV 21-245-JFH-SPS

OPINION AND ORDER

Plaintiff, a pro se state prisoner, has filed a motion for an extension of time to serve the defendants (Dkt. 11). He was not granted leave to proceed *in forma pauperis* (Dkt. 4) and has been attempting to serve the defendants himself. He alleges prison officials have caused a delay in service by denying him photocopy service and access to certified mail. He is requesting an order directing prison officials to allow him to use certified mail services for service of his complaint.

Federal Rule of Civil Procedure 4(c)(2) states that only a person who is not a party may serve a summons and complaint. Further, the Oklahoma Pleading Code expressly provides: “No prisoner in any jail, Department of Corrections facility, [or] private prison . . . shall be appointed by any court to serve process on any defendant, party or witness.” Okla. Stat. tit. 12, § 2004(C)(7). Therefore, Plaintiff is not permitted to personally serve the defendants by mail, making his alleged denial of access to certified mail moot.


Under Oklahoma law, a court-appointed process server is permitted to serve an individual by (1) “delivering a copy of the summons and of the [initiating pleading] personally”; (2) “leaving copies [of the summons and initiating pleading] at the person’s dwelling house or usual place of abode with some person then residing therein who is fifteen

(15) years of age or older”; or (3) “delivering a copy of the summons and of the [initiating pleading] to an agent authorized by appointment or by law to receive service of process.” Okla. Stat. tit. 12, § 2004(C)(1)(c)(1). *See Harper v. Woodward County Bd. of County Com’rs*, No. CIV-11-996-HE, 2014 WL 7399375, at *4, (W.D. Okla. December 29, 2014). Moreover, pursuant to Fed. R. Civ. P. 4(c)(3), a plaintiff may request that service be made by the United States Marshals Service.

After careful review, the Court finds Plaintiff has shown good cause for his delay in serving the defendants. He, therefore, is GRANTED an additional thirty (30) days for service.

ACCORDINGLY, Plaintiff’s motion to extension of time to serve defendants (Dkt. 11) is GRANTED to the extent he is granted thirty (30) additional days from the entry of this Opinion and Order to serve the defendants. Plaintiff’s request for assistance with certified mail service at his facility is DENIED as moot.

IT IS SO ORDERED this 11th day of January 2022.



Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma